

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION (TOLEDO)

MONIQUE D. RIVERS : Case No.
: :
: Plaintiff, : Judge
: :
vs. : :
: : NOTICE OF REMOVAL
STATE FARM FIRE & CASUALTY CO., :
: :
: Defendant. : :

PLEASE TAKE NOTICE that Defendant State Farm Fire & Casualty Company (“State Farm”) hereby removes this action from the Lucas County Common Pleas Court to the United States District Court for the Northern District of Ohio, Western Division (Toledo). In support thereof, State Farm respectfully states as follows:

1. The removed case is a civil action filed on June 27, 2017, in the Court of Commons Pleas, Lucas County, Ohio, styled *Monique Rivers v. State Farm Fire & Casualty Co.*, Case No. G-4801-CI-0201703150, and concerns property damage that allegedly occurred at a residence in Lucas County, Ohio.
2. Plaintiff alleges extensive damage to real and personal property as a result of a fire, in addition to damages from a subsequent theft of personal property. (Pl. Complaint, ¶¶ 4-6.) In particular, Plaintiff alleges damages of \$50,000 for personal property losses and claims to be entitled to damages for real property losses as a result of the fire. (*Id.* at ¶¶ 3-5.) Plaintiff also alleges that she is entitled to unspecified amounts of compensatory damages and punitive damages as a result of State Farm’s alleged bad faith conduct. (*Id.* at ¶ 12 and prayer for relief). Finally, Plaintiff claims to be entitled to litigation costs and reasonable attorney fees. (*Id.* at

prayer for relief). When all of these damages are added together, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

3. Plaintiff was and is a citizen of Lucas County, Ohio when this action was filed in state court, at the time of removal, and at all other times throughout the pendency of this case. (*Id.* at ¶ 1 and caption).

4. State Farm is a corporation organized under the insurance laws of the State of Illinois, and its principal place of business is and was located at One State Farm Plaza, E-3, Bloomington, Illinois 61710 when this action was filed in state court, at the time of removal, and at all other times throughout the pendency of this case.

5. Accordingly, there is federal subject matter jurisdiction over this case based on the amount in controversy and the complete diversity of citizenship. *See* 28 U.S.C. § 1332(a).

6. Removal is timely under 28 U.S.C. § 1446(b), because the Notice of Removal is filed within thirty (30) days of the receipt by State Farm of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. In addition, less than one (1) year has lapsed since this action was originally filed in state court.

7. Venue is proper in the Northern District of Ohio under 28 U.S.C. § 1441(a), because Lucas County is served by the Northern District of Ohio, Western Division, Toledo.

8. The written notice required by 28 U.S.C. § 1446(d) is being filed with the Clerk of the Common Pleas Court for Lucas County, Ohio, and served on Walter J. Skotynsky, attorney for Plaintiff in this matter.

9. Copies of all process, pleadings, orders and other papers on file in the state court action are attached as **Exhibit A**. *See* 28 U.S.C. § 1446(a).

WHEREFORE, Defendant State Farm Fire & Casualty Company respectfully requests that the state court action now pending against it in the Lucas County Court of Common Pleas, Case No. G-4801-CI-0201703150, proceed in this Court as a matter properly removed.

Respectfully submitted,

/s/ Gregory A. Harrison

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Attorney for Defendant
State Farm Fire & Casualty Company

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2017, the foregoing document was electronically filed with the Clerk of Courts for the U.S.D.C. for the Northern District of Ohio, Western Division (Toledo) via the Court's CM/ECF system and a copy was served upon the below-listed counsel for Plaintiff by First Class, U.S. Mail, postage prepaid on this same date.

/s/ Gregory A. Harrison

Gregory A. Harrison

Walter J. Skotynsky, Esq.
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Attorney for Plaintiff
Monique Rivers

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